

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In The Matter Of

PUBLIC UTILITIES COMMISSION.

Instituting a Proceeding to Investigate the Implementation
of Feed-in Tariffs

DOCKET NO. 2008-0273

[PROPOSED]
ORDER APPROVING FURTHER PROCEDURAL SCHEDULE

PUBLIC UTILITIES
COMMISSION

2009 OCT 12 P 3:59

FILED

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OF THE STATE OF HAWAII

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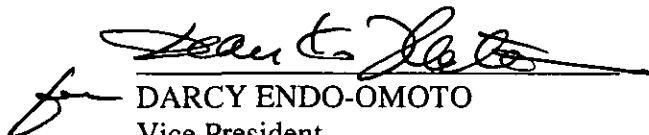
Instituting a Proceeding to Investigate the Implementation
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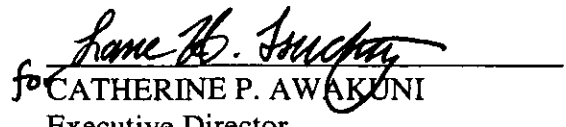
DOCKET NO. 2008-0273

ORDER APPROVING FURTHER PROCEDURAL SCHEDULE

HAWAIIAN ELECTRIC COMPANY, INC. ("Hawaiian Electric"), MAUI
ELECTRIC COMPANY, LIMITED ("MECO"), HAWAII ELECTRIC LIGHT
COMPANY, INC. ("HELCO"), and the DEPARTMENT OF COMMERCE AND
CONSUMER AFFAIRS, DIVISION OF CONSUMER ADVOCACY ("Consumer
Advocate") hereby stipulate that the attached Proposed Order Approving Further
Procedural Schedule is mutually acceptable to each respective party.

DATED: HONOLULU, HAWAII, October 12, 2009.


DARCY ENDO-OMOTO
Vice President
Hawaiian Electric Company, Inc.
Hawaii Electric Light Company, Inc..
Maui Electric Company, Limited


CATHERINE P. AWAKUNI
Executive Director
Division of Consumer Advocacy
Department of Commerce and Consumer Affairs

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ORDER APPROVING FURTHER PROCEDURAL SCHEDULE

By this Order, the commission approves the proposed procedural schedule submitted on October 12, 2009, by HAWAIIAN ELECTRIC COMPANY, INC. ("Hawaiian Electric"), MAUI ELECTRIC COMPANY, LIMITED ("MECO"), HAWAII ELECTRIC LIGHT COMPANY, INC. ("HELCO"),¹ and the DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, DIVISION OF CONSUMER ADVOCACY ("Consumer Advocate").

I.

Background

By the Decision and Order filed on September 25, 2009 ("Decision and Order"), the Commission ordered the parties to this proceeding to:

... to submit a stipulated procedural schedule to govern the remainder of this docket within fourteen days of the filing of the Decision and Order. If the parties are unable to stipulate, each of them is directed to file a proposed order for the commission's review and consideration within the same deadline.

Decision and Order at 100.

¹ Hawaiian Electric, MECO and HELCO are collectively referred to as the "Hawaiian Electric Companies."

On October 12, 2009, the Hawaiian Electric Companies and Consumer Advocate filed their proposed order and further procedural schedule ("Hawaiian Electric Companies/CA Procedural Order"). In the letter accompanying the Hawaiian Electric Companies/CA Procedural Order, the Hawaiian Electric Companies and Consumer Advocate state that on October 8, 2009, they transmitted a draft procedural schedule to the parties in this proceeding. The Hawaiian Electric Companies and Consumer Advocate delivered the draft schedule on this date so that the parties could consider the draft during a meeting they had scheduled for the afternoon of October 8, 2009. The Hawaiian Electric Companies and Consumer Advocate requested that the intervenor parties, either collectively or individually, advise the Hawaiian Electric Companies and Consumer Advocate whether they would be able to stipulate to a procedural schedule by Noon on October 9, 2009. As of the time their letter was prepared for filing, the Hawaiian Electric Companies and Consumer Advocate had not received any confirmation of a stipulation or alternative proposals from the intervenor parties. The Hawaiian Electric Companies and Consumer Advocate submit that the procedural schedule contained within the Hawaiian Electric Companies/CA Procedural Order is consistent with the directives contained in the Commission Decision and Order and will expedite the development and adoption of tariffs for Tiers 1, 2 and 3 as soon as reasonably possible.

Also, on October 12, 2009, certain intervenor parties filed a proposed procedural schedule and proposed order.

II.

Schedule

Through the Decision and Order, the Commission provided a number of directives to the parties which govern further proceedings in this docket. These include but are not limited to: (1) identify and seek Commission approval of an Independent Observer to assist with the development of queuing and interconnection procedures; (2) work cooperatively with the parties to resolve the remaining issues in this proceeding; (3) focus on resolving issues in Tiers 1 and 2 to facilitate the immediate implementation of FITs in those tiers; (4) develop and file rates, reliability standards and queuing and interconnection processes.

After reviewing the proposed procedural schedules submitted by the parties, the commission adopts the Hawaiian Electric Companies and Consumer Advocate's procedural schedule, as it will provide the time necessary to review, analyze and address the issues identified in the Decision and Order, and allow for the development of a sound record in this proceeding. In particular, the commission recognizes that the Hawaiian Electric Companies and Consumer Advocate's procedural schedule appropriately focuses on the development of Tier 1 and 2 tariffs initially, allows for coordination and cooperation among the parties in the development of tariffs and works to expedite the resolution of these issues by scheduling them in parallel wherever possible.

Accordingly, the following schedule will govern the further proceedings in this docket unless otherwise ordered by the commission:

Step	Procedural Step	Proposed Date
1	Identify Qualified Candidates for the Role of a FIT Independent Observer	October 2009
2	File Independent Observer Qualified Candidate List for Commission Review and Approval	November 13, 2009
3	Commission approval of Independent Observer Qualified Candidate	
4	Subject Matter Workshops with Parties to apply Commission principles to Tier 1 and Tier 2 Tariff Development	Start November 2009
4a	Tier 1 and Tier 2 Rate Development	November 18, 2009
4b	Tier 1 and Tier 2 Queuing, and Interconnection Procedures	November 19, 2009
4c	Reliability Standards (Ongoing Parallel Process)	November 20, 2009
5	Informal Draft of Proposed Tier 1 and Tier 2 Tariffs (or Alternate Tariffs) to Parties	December 16, 2009
6	Informal Parties' Comment on Proposed Tier 1 and Tier 2 Tariffs (or Alternate Tariffs)	December 30, 2009
7	File Contract for Independent Observer	1 month after step 3 above
8	Commission approval of Independent Observer Contract	
9	Independent Observer Review of Queuing and Interconnection Procedures	January 2010
10	Settlement Discussions with Parties on Proposed Tier 1 and Tier 2 Tariffs (or Alternate Tariffs)	January 2010
11	Technical Sessions with Parties on Development of Reliability Standards	January 2010
12	Filing of Hawaiian Electric Companies' Queuing and Interconnection Procedures	February 2010
13	Filing of Hawaiian Electric Companies' Reliability Standards	February 2010
14	Filing of Proposed Tier 1 and Tier 2 Tariffs (and Standard Contract) and Alternative Tariffs, if any	March 2010
15	Parties Comments on Proposed Tier 1 and Tier 2 Tariffs, if any	March 2010
16	Workshops with Interested Parties on Tier 3 Issues	April 2010
17	Informal Draft of Proposed Tier 3 Tariff (or Alternate Tariff) to Parties	May 2010
18	Informal Parties' Comment on Proposed Tier 3 Tariffs (or Alternate Tariffs)	May 2010
19	Settlement Discussion on proposed Tier 3 Tariff	June 2010
20	Filing of Proposed Tier 3 Tariff and Alternative Tariffs, if any	June 2010
21	Parties Comments on Proposed Tier 3 Tariffs, if any	June 2010

The commission is cognizant of the fact that due to competing and in some cases to be developed schedules in other Commission proceedings in which they are involved, the parties were not able to identify specific dates for the procedural steps scheduled for 2010. The commission expects that the parties will coordinate in advance of each of the identified procedural steps to identify specific dates which accommodate the schedules of each, or the majority, of the parties to the proceeding without significant deviation from the tentative deadline set forth above.

III.

Order

THE COMMISSION ORDERS:

The Hawaiian Electric Companies and Consumer Advocate's procedural schedule as set forth above is approved and shall govern the further proceedings in this docket unless otherwise ordered by the Commission.

DONE at Honolulu, Hawaii _____.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By _____
Carlito P. Caliboso, Chairman

By _____
John E. Cole, Commissioner

By _____
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:

Stacey Kawasaki Djou
Commission Counsel

CERTIFICATE OF SERVICE
(Docket No. 2008-0273)

The foregoing Order Approving Further Procedural Schedule was served on the date of filing by mail, postage prepaid and properly addressed to the following parties:

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(Docket No. 2008-0273)

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Darcy L. Endo-Omoto
Vice President
Government & Community Affairs

October 12, 2009

PUBLIC UTILITIES
COMMISSION

2009 OCT 12 P 3:57

FILED

The Honorable Chairman and Members of the
Hawaii Public Utilities Commission
465 South King Street, Room 103
Kekuanaoa Building
Honolulu, Hawaii 96813

Re: Docket No. 2008-0273 – Proposed Schedule and Order

Dear Commissioners:

Hawaiian Electric Company, Inc. ("Hawaiian Electric"), Maui Electric Light Company, Limited ("MECO"), Hawaii Electric Light Company, Inc. ("HELCO") (collectively referred to as the "Hawaiian Electric Companies") and the State of Hawaii Department of Commerce and Consumer Affairs, Division of Consumer Advocacy ("Consumer Advocate") respectfully submit the attached proposed Order in compliance with the Commission's Decision and Order in Docket No. 2008-0273 filed on September 25, 2009 ("Decision and Order").

Through the Decision and Order, the Commission directed the parties:

... to submit a stipulated procedural schedule to govern the remainder of this docket within fourteen days of the filing of the Decision and Order. If the parties are unable to stipulate, each of them is directed to file a proposed order for the commission's review and consideration within the same deadline.

Decision and Order at 100.

In an effort to comply with the Commission's directive, the Hawaiian Electric Companies and Consumer Advocate transmitted a detailed draft procedural schedule to the parties in this proceeding on October 8, 2009. The Hawaiian Electric Companies and Consumer Advocate delivered the draft schedule on this date in an effort to meet a request by certain of the intervenor parties and so that the parties could consider the draft during a meeting they had scheduled for the afternoon of October 8, 2009. The Hawaiian Electric Companies and Consumer Advocate requested that the intervenor parties, either collectively or individually, advise the Hawaiian Electric Companies and Consumer Advocate whether they would be able to stipulate to a procedural schedule by Noon on October 9, 2009. As of the time this correspondence was prepared for filing, the Hawaiian Electric Companies and Consumer Advocate have not received any confirmation of a stipulation or alternative proposals from the intervenor parties.

Accordingly, the Hawaiian Electric Companies and Consumer Advocate respectfully offer the attached proposed Order and proposed procedural schedule to govern the remainder of this proceeding for the Commission's consideration and adoption. The following sections briefly discuss and support the specific procedural steps and proposed procedural deadlines set forth in the Hawaiian Electric Companies and Consumer Advocate's proposed procedural schedule ("Proposed Procedural Schedule").

Selection of The Independent Observer

Through the Decision and Order, the Commission determined that "[a]n independent third party, similar to the Independent Observer in the commission's Competitive Bidding Framework, should oversee the queuing process for FIT projects." (Decision and Order at 93) With respect to the independent third party, the commission adopted the following language from the Competitive Bidding Framework:

The electric utility shall: (a) identify qualified candidates for the role of Independent Observer (and also shall consider qualified candidates identified by the Commission and prospective participants in the competitive bidding process); (b) seek and obtain Commission approval of its final list of qualified candidates; and (c) select an Independent Observer from among the Commission-approved qualified candidates. The electric utility's contract with the Independent Observer shall be acceptable to the Commission, and provide, among other matters, that the Independent Observer: (a) report to the Commission and carry out such tasks as directed by the Commission, including the tasks described in this [the FIT]; (b) cannot be terminated and payment cannot be withheld without the consent of the Commission; and (c) can be terminated by the Commission without the utility's consent, if the Commission deems it to be in the public interest in the furtherance of the objectives of [the FIT] to do so. The utility may recover prudently incurred Independent Observer costs from its customers upon approval of the Commission in a rate case or other appropriate proceeding, and may defer the costs prudently incurred for the Independent Observer (i.e., deferred accounting).

Decision and Order at 93-94.

Steps 1, 2, 3, 7, 8 and 9 of the Proposed Procedural Schedule are designed to comply with this express Commission directive. In Step 1, the Hawaiian Electric Companies will identify qualified candidates for the role of a FIT independent observer (in compliance with the first subsection (a) in the quoted text). This step is anticipated to run in parallel with the Commission's consideration of the various procedural schedules submitted by the parties on October 12, 2009. In Steps 2 and 3, the Hawaiian Electric Companies will seek and obtain Commission approval of its final list of qualified candidates (in compliance with the first subsection (b) in the quoted text). The deadline in Step 2 is intended to provide sufficient time after any Commission order approving a further



procedural schedule in this docket for the Hawaiian Electric Companies and Consumer Advocate to agree upon and submit a list of qualified candidates to the Commission.

Steps 7 and 8 involve filing the contract for the selected independent observer with the Commission and securing the Commission's approval of the contract. This is consistent with the Commission's direction that the electric utility's contract with the Independent Observer "*shall be acceptable to the Commission....*"

Step 9 involves the Independent Observer's review of the queuing and interconnection procedures developed by the parties. This is compliant with the Commission's directive that "[t]he independent third party will assist in developing the queuing process, and inform the parties of the queue length and their status in it." (Decision and Order at 93). Step 9 may be able to occur sooner than the January 2010 deadline set forth in the Proposed Procedural Schedule depending on the actual timing of Steps 3, 7 and 8.

Subject Matter Workshops and Development of Draft Tariffs

Through the Decision and Order the Commission directed the parties, where possible, to work cooperatively to resolve the remaining issues in this proceeding. Specifically, the Decision and Order states that "[t]he HECO Companies should incorporate the other parties to this docket into the process of crafting these [reliability] standards." (Decision and Order at 50) Moreover, the Decision and Order places the responsibility for developing the initial FIT rates with the Hawaiian Electric Companies "*in collaboration with the parties....*" (Decision and Order at 84) Additionally, the Commission directs the Hawaiian Electric Companies "*to collaborate with the other parties*" to craft queuing and interconnection procedures that will minimize delays associated with numerous potential FIT projects and the various interconnection studies they could require." (Decision and Order at 93)

Just as critically, the Commission expressed a desire for expedited resolution of a tariff for Tiers 1 and 2 throughout the Decision and Order. At page 46 of the Decision and Order the Commission states:

The commission recognizes that the largest size tier, Tier 3, will have more complex issues to resolve following issuance of this Decision and Order. The commission encourages the parties to initially focus on resolving the issues in Tiers 1 and 2, to facilitate the immediate implementation of FITs in those tiers.

Decision and Order at 46 (emphasis supplied).

At page 100 of the Decision and Order, the Commission repeats "[t]o the extent possible, the commission encourages the parties to focus on resolving the issues in Tiers 1 and 2, to facilitate the immediate implementation of FITs in those tiers." (Decision and Order at 100) (emphasis supplied).



Accordingly, the Proposed Procedural Schedule, after a reasonable time period for the Commission to adopt a going forward procedural schedule, contemplates detailed collaborative workshops on the key issues identified in the Decision and Order for discussion and determination. Although it is possible that the subject matter workshops identified in Steps 4a, 4b and 4c could be more productive if some time was allowed between them, in an effort to compress the Proposed Procedural Schedule to the greatest degree reasonably possible, and in consideration of the Thanksgiving holiday, the workshops are scheduled on consecutive days. In compliance with the Commission's Decision and Order, the workshops focus on the development of rates, queuing and interconnection procedures for Tiers 1 and 2 in an effort to expedite the implementation of FIT tariffs for qualifying projects in those tiers.

After the workshops are completed, the Proposed Procedural Order requires the parties either collectively or individually to reduce the results of the workshop process to writing and circulate draft tariffs among the parties for further discussion, comment and potential agreement where possible. To the extent that comprehensive agreement has not been reached, the Proposed Procedural Order allows for settlement discussions to respond to questions, clarify any misunderstandings and determine whether agreement can be reached on a form of tariff prior to submission of competing tariff documents to the Commission. These procedural milestones are set forth as Steps 5, 6 and 10 on the Proposed Procedural Schedule. To the extent that agreement can be reached, a final tariff will be filed with the Commission in March of 2010. To the extent that parties have not come to agreement, alternative tariffs may be filed with the opportunity to provide comments for the Commission's consideration. (Steps 14 and 15)

To expedite these proceedings and the development of tariffs for Tiers 1 and 2, the Proposed Procedural Schedule would direct the Hawaiian Electric Companies to develop and file their reliability standards and queuing and interconnection procedures with the Commission in parallel with the development of Tier 1 and 2 tariffs. (Steps 11, 12 and 13) Although the Commission graciously invited the parties to this proceeding to submit proposals on alternate means or timelines for completion of both reliability standards (Decision and Order at 50) and queuing and interconnection procedures (Decision and Order at 94), the Hawaiian Electric Companies and Consumer Advocate are in agreement with the Commission that it is preferable to have these standards and procedures in place prior to FIT rates taking effect. The Hawaiian Electric Companies and Consumer Advocate respectfully offer that it will be difficult to administer the resources seeking a FIT contract without an understanding of the capacity that can be added to each island system, how various types and sizes of projects will be interconnected, and how FIT applications should be managed and prioritized in relation to resources under consideration through the Hawaiian Electric Companies' other procurement mechanisms. Therefore, the Proposed Procedural Schedule would have these standards and procedures submitted to the Commission prior to the implementation of Tier 1 and Tier 2 tariffs.



Development of Tier 3 Tariff

As discussed above, consistent with the Commission's Decision and Order, the initial phase of the Proposed Procedural Schedule focuses on the development of tariffs, standards and procedures for Tiers 1 and 2 to expedite processing of projects of these sizes. The Proposed Procedural Schedule is designed to address the development of a Tier 3 tariff as soon as the Tier 1 and 2 tariffs have been submitted to the Commission for consideration. (Step 16) The filing of a Tier 3 tariff (and possibly alternative tariffs) would occur just three months after the tariff filing for Tiers 1 and 2. (Steps 20 and 21).


As with the development of the Tier 1 and Tier 2 tariffs, Tier 3 would begin with a technical workshop on all issues identified in the Decision and Order. Because it is anticipated that the remaining technical issues for Tier 3 projects will be well defined following the workshops for Tiers 1 and 2, the Proposed Procedural Schedule only allows for a single workshop. As with Tiers 1 and 2, this would be followed by circulation among the parties of a draft Tier 3 tariffs and comments, if any, on those drafts. (Steps 17 and 18) To the extent that there are disagreements which remain, the Proposed Procedural Schedule allows for settlement negotiations prior to any submission to the Commission, and the ability to provide the Commission with comments on any alternative drafts. (Steps 19, 20 and 21).

Conclusion

The Hawaiian Electric Companies and Consumer Advocate respectfully submit that the Proposed Procedural Schedule set forth in the attached proposed Order is consistent with the directives and determinations contained in the Commission Decision and Order and will expedite the development and adoption of tariffs for Tiers 1, 2 and 3 as soon as reasonably possible under the circumstances.

Very truly yours,



 Darcy Endo-Omoto
Hawaiian Electric Company, Inc.
Hawaii Electric Light Company, Inc.
Maui Electric Company, Limited

Attachment

c: Service List



SERVICE LIST
(Docket No. 2008-0273)

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